



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Becker, Mathew**

Serial No.: **10/007,492**

Art Unit: **2183**

Filed: **November 8, 2001**

Examiner: **Unassigned**

Docket No: **49217-262378**

For: **Stalling Instructions in a Pipelined Microprocessor**

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Office of Patent Legal Administration
Washington, DC 20231

**PETITION TO RECOGNIZE ORIGINAL FILING DATE OF APPLICATION AS
DEPOSITED WITH THE USPTO**

Sir:

Applicant respectfully requests a Revised Updated Filing Receipt for the above-referenced nonprovisional patent application reflecting the correct filing date of November 8, 2001.

The above-referenced patent application was filed on November 8, 2001 by express mail. The application included a fourteen (14) page specification and five (5) sheets of drawings. The U.S. Patent and Trademark office mailed a Filing Receipt on January 7, 2002, indicating a filing date of November 8, 2001. A copy of the Filing Receipt is enclosed (Attachment A).

The Office also mailed the enclosed Notice to File Missing Parts of Nonprovisional Application on January 7, 2002 (Attachment B). The Notice indicates a filing date of November 8, 2001. The Notice stated that Fig. 2 described in the specification appeared to have been

omitted from the application. The Notice also stated “The failure to file a petition (and petition fee) ... within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO.” The Notice further stated, “In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date of deposit of the application papers in the USPTO. . . .”

In response to the Notice to File Missing Parts, Applicant submitted Figure 2 on February 6, 2002. Applicant did not supply (1) a supplemental oath in compliance with 37 CFR 1.63 or 1.64; (2) a petition under 37 CFR 1.182 requesting a later filing date; or (3) a \$130 petition fee under 37 CFR 1.17(h).

On February 26, 2002, the Office mailed the enclosed Updated Filing Receipt reflecting a filing date of February 6, 2002 (Attachment C). The filing date on the Updated Filing Receipt is incorrect. The correct filing date is November 8, 2001.

Applicant did submit Figure 2 with the application (Attachment D) on November 8, 2001. Figure 2 is superimposed on Figures 3 and 4. (See Attachment D). Figures 2, 3, and 4 are described in detail in the specification. See *Detailed Description of the Invention*, paragraphs 18–22. The description makes the super-imposition, and the appropriate construction of the figures, immediately apparent. Therefore, the application as filed included all the drawings and should be granted the original filing date of November 8, 2001.

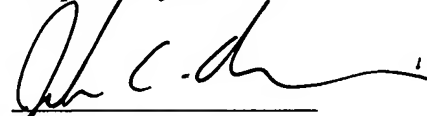
Alternatively, Applicant constructively accepted the application as deposited in the USPTO on November 8, 2001. According to MPEP § 601.01(g), if an Applicant wishes to submit an omitted drawing, the Applicant “must, within 2 months from the date of the ‘Notice of Omitted Item(s),’ file any omitted page(s) with an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64 referring to such page(s) and a petition under 37 CFR 1.182 with the

petition fee set forth in 37 CFR 1.17(h), requesting the later filing date (37 CFR 1.181(f)).” “[T]he failure to file a petition under 37 CFR 1.53(e) or 37 CFR 1.182 (and the required petition fee) as discussed above within 2 months of the date of the "Notice of Omitted Item(s)" (37 CFR 1.181(f)) will be treated as constructive acceptance by applicant of the application as deposited in the USPTO.” *Id.* As noted above, Applicant did not file a petition or petition fee in response to the Notice to File Missing Parts. Therefore Applicant constructively accepted the application as deposited in the USPTO on November 8, 2001.

For the reasons stated herein, Applicant respectfully requests an Updated Filing Receipt for the above-referenced nonprovisional patent application reflecting the filing date of November 8, 2001.

Attached hereto is a check in the amount of \$130.00 as required for this Petition. It is believed that the enclosed fee is correct; however, the Commissioner is hereby authorized to charge and deficiencies or credit any overpayment to Deposit Account No. 16-1435.

Respectfully submitted,


John C. Alemanni
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5/29/02
Dated

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